

SENATE BILL No. 445

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-42-2-10.

Synopsis: Notaries. Provides that a person who is not an attorney who knowingly or intentionally: (1) uses a term in English or in a language other than English that implies the person is an attorney; or (2) uses the term "notario" in any document, advertisement, letterhead, stationery, business card, or another document describing the role of a notary public; commits a Class A misdemeanor. Requires a notary who is not an attorney and who advertises notary services in a language other than English to: (1) include a statement in the advertisement and on certain business documents that the notary is not an attorney and cannot give legal advice; and (2) post a schedule of fees in the notary's place of business and file a copy of the fee schedule with the secretary of state's office. Prohibits a notary from advertising as professing to be an expert on immigration matters unless the notary is a designated entity. Prohibits a notary who is not an attorney from accepting payment for legal advice. Makes a violation of the new notary laws a Class A misdemeanor.

Effective: July 1, 2007.

Broden

January 11, 2007, read first time and referred to Committee on Judiciary.

C
o
p
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 445

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-42-2-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. **(a)** A person who:
3 (1) is not an attorney in good standing admitted to practice law in
4 Indiana; and
5 (2) knowingly or intentionally:
6 (A) advertises the person's services in a language other than
7 English;
8 (B) ~~represents~~ **uses** in the advertisement:
9 **(i) terms that represent** that the person is a notary, notary
10 public, notario, notario publico, or another designation that
11 indicates in a language other than English that the person is
12 a notary public; ~~and~~
13 **(ii) a term in English or in a language other than English**
14 **that implies the person is an attorney; or**
15 **(iii) the term "notario" in any document, advertisement,**
16 **letterhead, stationery, business card, or another**
17 **document describing the role of a notary public; and**



C
o
p
y

(C) fails to conspicuously state in the advertisement, both in English and in the language of the advertisement, that the person is not an attorney in good standing admitted to practice law in Indiana; commits a Class A misdemeanor.

(b) A notary who:

(1) is not an attorney; and

(2) advertises the services of the notary in a language other than English;

shall include in the advertisement and on the notary's stationery, letterhead, and business card the following notice in English and the language in which the written communication appears:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN INDIANA, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

(c) The written notice described in subsection (b) must appear in a conspicuous size.

(d) If a notary advertises by radio or television, the notice described in subsection (b) must be similarly stated in the advertisement.

(e) A notary described in subsection (b) shall prominently post in the notary's place of business a schedule of fees that the notary charges for services and file a copy of the schedule of fees with the secretary of state's office.

(f) A notary may not advertise or profess to be an expert on immigration matters unless the notary is a designated entity as defined under 8 CFR 245a.1(l).

(g) A notary who is not an attorney licensed in Indiana may not accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

(h) A notary who knowingly or intentionally violates subsection (b), (c), (d), (e), (f), or (g) commits a Class A misdemeanor.

**C
o
p
y**

